

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

GREATER VISAKHAPATNAM MUNICIPAL CORPORATION – Release of Annual Grade Increments, HRA and CCA to all the petitioners covered in O.A.Nos.8128, 8129, 8130 and 8131 of 2011, in the time scale wherein their pay was fixed and also pay the arrears, by implementing common orders dated:29.09.2011 of Andhra Pradesh Administrative Tribunal, in O.A.Nos.8128, 8129, 8130 & 8131/2011, the Hon'ble High Court of Andhra Pradesh and the Hon'ble Supreme Court of India – Permission accorded – Orders – Issued.

-

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (D1) DEPARTMENT

G.O.Rt.No.1225
02.08.2013.

Dated:

Read the

following:-

1. The Hon'ble A.P. Administrative Tribunal, Hyderabad, common orders dated:29.09.2011 in O.A.Nos.8128, 8129, 8130 & 8131/2011.
2. The Hon'ble A.P. High Court, Hyderabad, common orders dated:07.06.2012 in W.P.Nos.759, 760 and 979 of 2012.
3. Govt.Memo.No.26369/D1/2011, MA & UD (D1) Department, Dated:02.11.2012.
4. The Hon'ble Supreme Court of India, New Delhi, orders dated:21.01.2013 in S.L.P.(Civil) C.C.No.22852/2012, S.L.P.(Civil) C.C.No.22930/2012 and S.L.P.(Civil) C.C.No.1722/2013.
5. From the Commissioner, Greater Visakhapatnam Municipal Corporation, Lr.Rc.No.19604/2012/C7, Dated:31.03.2013.

-o0o-

ORDER:

In the reference 1st read above, the Hon'ble A.P. Administrative Tribunal, Hyderabad in its common order dated:29.09.2011 in O.A.No.8128/2011 filed by A.Krishna, NMR & 41 others, O.A.No.8129/2011 filed by P.Chandra Sekhar, NMR & 21 others, O.A.No.8130/2011 filed by B.Padmavathi & 12 others and O.A.No.8131/2011 filed by K.Durgavathi and 64 others of Greater Visakhapatnam Municipal Corporation, Visakhapatnam has passed the following order;

“According to the applicants, a similar issue came for consideration before this Tribunal in O.A.No.7915/2002, dated:26.08.2002 and O.A.No.7335/2010, dated:27.10.2010 and the Tribunal allowed the O.As. in favour of the workers working in Bhongir Municipality and Vijayawada Municipal Corporation for release of increments, HRA and CCA from the date of payment of minimum time scale. The said orders of the Tribunal were confirmed by the Hon'ble High Court in W.P.No.27214/2005 and W.P.No.2413/2011 and batch, dated:30.08.2011.

Heard both sides and perused the material papers on record.

As the subject matter of these applications is also similar to O.A.Nos.7915/2002 and 7335/2010, the orders in which were confirmed by the Hon'ble High Court, the applicants herein also are entitled for release of increments, HRA and CCA and also revised pay scale along with arrears of pay and the respondents are directed to release the increments, HRA and CCA and revised pay scales to the applicants and

release the arrears within a period of eight weeks from the date of receipt of a copy of this order.

The O.As. are accordingly allowed at the admission state. No costs”.

Contd.....2

2. The Commissioner, Greater Visakhapatnam Municipal Corporation, has filed W.P.Nos.759, 760 and 979/2012 in the Hon'ble High Court of Andhra Pradesh, Hyderabad against the above orders of the Hon'ble Tribunal, dated:29.09.2011 in O.A.Nos.8128, 8129, 8130 & 8131/2011.

In the reference 2nd read above, the Hon'ble A.P. High Court, Hyderabad has passed common order dated:07.06.2012 in W.P.Nos.759, 760 and 979 of 2012 as follows;

“.....What emphasize is that the Supreme Court held in favour of similarly situated persons holding that they would be entitled to annual increments, minimum time scale of pay on regularization of their services and all other benefits available to regular government servants of the corresponding grades. Consequently, applying the same principle the applicants herein are entitled to the benefits which are in question. It is illegal to deny them those benefits. There is no infirmity in allowing the applications on hand, in consequence of which the impugned order passed by the Tribunal is to be upheld. We see no merits in the writ petitions and they deserve to be dismissed.

Accordingly, the writ petitions as also the miscellaneous petitions are dismissed. There shall be no order as to costs”.

3. In the reference 3rd read above, the Commissioner, Greater Visakhapatnam Municipal Corporation, was requested to clarify whether SLP has been filed or not before the Hon'ble Supreme Court of India against the W.P.Nos.769, 760 and 979/2011.

4. In the reference 5th read above, the Commissioner, Greater Visakhapatnam Municipal Corporation has stated that, they have filed Special Leave Petition No.22852/2012 before the Supreme Court of India. In the reference 4th read above, the Hon'ble Supreme Court of India in its order dated:21.01.2013 in S.L.P.(Civil) C.C.No.22852/2012, S.L.P.(Civil) C.C.No.22930/2012 and S.L.P.(Civil) C.C.No.1722/2013 has passed the following order;

“Heard.
Delay condoned.
We see no reason to interfere with the impugned order.
The special leave petitions are dismissed”.

5. The Commissioner, Greater Visakhapatnam Municipal Corporation, has requested the Government to examine the above judgments and issue suitable orders as deemed fit for releasing Annual Grade Increments, HRA, CCA and also fixation of pay in Revised Pay Scales, at an early date.

6. After careful examination of the matter, in consultation with the advisory Departments and keeping in view of the common order dated:29.09.2011 of the Hon'ble A.P. Administrative Tribunal, in O.A.Nos.8128, 8129, 8130 & 8131/2011, filed by certain Time Scale workers of Greater Visakhapatnam Municipal Corporation, Government have decided to implement the orders of the Hon'ble Courts. Accordingly, in compliance with the orders dated:29.09.2011 of the Hon'ble A.P.Administrative Tribunal in O.A.Nos.8128, 8129, 8130 & 8131/2011, and orders dated:07.06.2012 of the Hon'ble High Court of Andhra Pradesh in W.P.Nos.759, 760 and 979/2012, and the orders dated:21.01.2013 of the Hon'ble Supreme Court of India in S.L.P.(Civil) C.C.No.22852/2012, S.L.P.(Civil) C.C.No.22930/2012 and S.L.P.(Civil) C.C.No.1722/2013, Government hereby accord permission to the Commissioner, Greater Visakhapatnam Municipal Corporation to grant Increments,

Contd.....3

HRA and CCA to all the (142) applicants of Time Scale Workers covered in the O.As. mentioned in at para.1 above, after verification of the names of the applicants in original records of the Greater Visakhapatnam Municipal Corporation, duly paying the arrears from the date of granting minimum time scale.

7. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam shall take action in the matter accordingly.

8. This order issue with the concurrence of Finance (PC.III) Department vide their U.O.No.12494-B/109/A1/PC.III/2013, Dated:15.06.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA
PRADESH)

ADHAR SINHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner,
Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
Copy to:
The Commissioner and Director of Municipal Administration,
Hyderabad
The Government Pleader for MA&UD (S), APAT, Hyderabad
The Secretary to the Hon'ble Chief Minister.
The O.S.D. to the Hon'ble M(MA).
The Finance (PC.III) Department.
SF/SCs.

// FORWARDED : : BY ORDER //

SECTION OFFICER